

Before the  
**Federal Communications Commission**  
Washington, DC 20554

In the Matter of	
Petition of Continental Airlines, Inc. for a Declaratory Ruling	Docket No. 05-247 DA 05-2213

**COMMENTS of Michael R. Davis of DavisNetworks.com**

I encourage the Commission to rule in favor of Continental Airlines, Inc on its Petition for a Declaratory Ruling. In fact any individual or company in the United States of American may operate authorized part 15 wireless devices in the Boston Logan International Airport. Furthermore, the Massachusetts Port Authority has NO authority to assert governance over the use of part 15 wireless devices.

---

In the letter dated July 5, 2005 Deborah Lau Kee, Associate Deputy Chief Legal Counsel for the Massachusetts Port Authority states...

...the antenna has interfered with wireless devices outside of Continental's club room. This interference presents an unacceptable potential risk to the "effectiveness or accessibility of any . . . communications system, key card access system . . .and other system, if any, installed or located on, under, in or adjacent to the Premises."

The wireless devices that Ms. Kee refers to are authorized under 47 CFR part 15 and "[o]peration is subject to the following two conditions: (1) this device may not cause harmful interference, and (2) this device must accept any interference received, including interference that may cause undesired operation."

The wireless devices that the commercial wireless Internet service provider, AWG, is employing are also authorized under part 15 and therefore, "must [also] accept any interference received". Therefore, the argument that Ms. Kee uses that "the antenna has interfered with wireless devices" is not valid.

---

I would like for the Commission to assert it's governance over part 15 wireless devices and rule that radio energy emitted under part 15 of the commission rules cannot ever be reserved exclusively by any subordinate government to the United States of America. Pursuant to previous rulings by the Commission even Home Owners Associations fall within the preview of Federal preemption. I feel that the Commission should yet again preempt Massachusetts Port Authority's falsely asserted governance over part 15 wireless devices.

Michael R. Davis  
DavisNetworks.com

4403 S Pershing Ct.  
Arlington, VA 22204